IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6487 OF 2003

Mahadev Raghunath Deshpande & Ors. ..Petitioners.

Versus

Shri Ramesh Satuppa Kutre & Ors. ..Respondents.

Mr. S. S. Redekar for the Petitioners.

Mr. A.S. Kamble for Respondents 2 to 12.

CORAM : S. A. BOBDE, J.

DATED : 21TH JULY, 2005.

P.C.:

1. Notice for final disposal has already been issued. Though the respondent No.1, who is the contesting respondent, is served, none appears on his behalf. Hence, the matter is take-up for final disposal.

2. The petitioners are aggrieved by the order dated 20th January, 2003, by which the stay granted by

the Divisional Commissioner in favour of the petitioners has been vacated, except in regard to the extent of 1/12th of the suit land, at the instance of the respondent No.1. The learned Divisional Commissioner has not given any reason why the stay is being vacated for the rest of the land except 1/12th of the suit land. It also does not appear from the order that it is done on the basis of the alleged partition. The learned counsel for the petitioners states that there is no partition in the family of the petitioners.

3. In the circumstances, the impugned order which does not give any reason is hereby set aside.

4. The Divisional Commissioner shall decide the matter afresh after issuing notices to the parties. The question of stay should be decided within three months and the revision also be disposed of as expeditiously as possible.

5. Petition is disposed of in the above terms.

Dt. 21.07.2005 (S.A. BOBDE,J.)

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